



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

MEMORANDUM

To: File; Pueblo County Aggregate Project; File No. M-2016-009

From: Elliott Russell (DRMS)

Date: September 13, 2016

Re: *Informal Public Meeting* – DRMS Presentation

The Division of Reclamation, Mining and Safety (Division) held an Informal Public Meeting at the Patrick A. Lucero Library in Pueblo, Colorado on September 13, 2016, from 10:30 am – 12:30 pm. The Division mailed notice of the meeting to all parties and interested persons on September 1, 2016.

The meeting was in regard to the Fremont Paving & Redi-mix, Inc. 112c Reclamation Permit Application, which was filed on February 26, 2016 and amended on June 14, 2016. The purpose of the meeting was to inform parties and interested persons of the Division's permitting process, describe party status, and explain the upcoming Pre-hearing conference and formal Board Hearing. The Division was represented at the meeting by Tony Waldron, Wally Erickson, Elliott Russell, and Scott Schultz. Thirteen (13) members of the public attended the meeting.

Attached to this memorandum are the Division's PowerPoint presentation and the meeting sign-in sheet with contact information redacted.



***Informal* Public Meeting on Proposed Pueblo County Aggregate Project**

(DRMS File No. M-2016-009)

**September 13th, 2016
Pueblo, CO**

**Presentation By:
Tony Waldron, DRMS**



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

DRMS *Informal* Public Meeting

2

- What is the Division of Reclamation, Mining and Safety (DRMS)?
- Explain the reclamation permit application process
- Identify issues that the Mined Land Reclamation Board (MLRB) has statutory jurisdiction to address
- Describe Party Status
- Explain the Pre-Hearing Conference Process
- Explain the Formal MLRB Hearing Process

ORGANIZATION CHART

3

DEPARTMENT OF NATURAL RESOURCES
Robert Randall, Executive Director

DIVISION OF RECLAMATION, MINING & SAFETY
Ginny Brannon

**MINED LAND
RECLAMATION BOARD**

**Information
Technology**

**OFFICE OF ACTIVE &
INACTIVE MINES**

Jeff Graves

**Inactive Mine
Reclamation
Program**

**Non-point Source
Program**

**Mine Subsidence
Protection Prog.**

**Mine Safety
and Training
Program**

**Coal Mine
Board of
Examiners**

**OFFICE OF MINED LAND
RECLAMATION**

Michael Boulay

**Coal
Regulatory
Program**

Tony Waldron

**Minerals
Regulatory
Program**

**FISCAL MGMT.
Administration**

Jill McLemore

**Accounting
Board Support**

DRMS Jurisdiction

4

- **The Mined Land Reclamation Board** is the expert agency established by the General Assembly to promulgate mining operation permit regulations and reclamation standards, which includes identifying what is or is not a reclamation standard.
- **DRMS** - Administers the Colorado Land Reclamation Act for Extraction of Construction Materials C.R.S. 34-32.5-101 *et seq.*
- **DRMS** - Oversees technical aspects of reclamation and off-site damage.

Statutory and Regulatory Authorities

Construction Materials:

- ***Colorado Land Reclamation Act for the Extraction of Construction Materials, 1995 as Amended, CRS 34-32.5-101 et seq.***
- Minerals Rules and Regulation of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials.

Hard Rock:

- ***Colorado Mined Land Reclamation Act, as Amended, CRS 34-32-101 et seq.***
- Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations.

Statutory and Regulatory Authorities

6

- ***Colorado Land Reclamation Act for the Extraction of Construction Materials, 1995 as Amended, CRS 34-32.5-101 et seq.***
- **Minerals Rules and Regulation of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials**

Minerals Program

7

- **34-32.5-102. Legislative declaration.** (1) The general assembly hereby declares that the extraction of construction materials for government and private enterprise and the reclamation of land affected by such extraction are necessary and proper activities that are compatible. It is the intent of the general assembly to foster and encourage the development of an economically sound and stable extraction materials industry and to encourage the orderly development of the state's natural resources while requiring those persons involved in extraction operations to reclaim land affected so that it may be put to a use beneficial to the people of this state. It is the further intent of the general assembly to conserve natural resources, aid in the protection of wildlife and aquatic resources, establish agricultural, recreational, residential, and industrial sites, and protect and promote the health, safety, and general welfare of the people of this state.

Objectives of Minerals Regulatory Program

8

- **Objective #1:** Promote the responsible development of the State's mineral and energy resources while protecting public health, safety, welfare, and the environment.
- **Objective #2:** Reclaim mineral mined acres to beneficial post-mining land use.
- **Objective #3:** Protect the environment by ensuring regulatory compliance at mineral mine sites.
- **Objective #4:** Coordinate permitting, regulatory, and public review processes with federal, state and local agencies, and implement interagency agreements for groundwater, storm water, point source and mine waste issues.

DRMS Jurisdiction

9

Bonding – DRMS is the only authorized agency to require bonding/financial warranty.

C.R.S. 34-32.5-109(3)

No governmental office of the state, other than the Board, nor any political subdivision of the state shall have the authority to issue a reclamation permit pursuant to this article, to require reclamation standards different than those established in this article, or to require any performance or financial warranty of any kind for mining operations.

DRMS Jurisdiction

10

CRS 34-32.5-109(3) (cont'd)

The operator shall be responsible for assuring that the mining operation and the postmining land use comply with city, town, county, or city and county land use regulations and any master plan for extraction adopted pursuant to section 34-1-304 unless a prior declaration of intent to change or waive the prohibition is obtained by the applicant from the affected political subdivisions. Any mining operator subject to this article shall also be subject to zoning and land use authority and regulation by political subdivisions as provided by law.

County Authorities

11

- **DRMS** - does not decide “Should a mine be at this location?”
- **DRMS** - no jurisdiction over matters controlled by other agencies or local government/municipalities (i.e., noise, dust, traffic, hours of operation, visual impacts, aesthetics).
- **Counties have the authority to permit all aspects of land use for mining, including the location of mining operations.**

Processes

12

- Permitting
- Bonding
- Inspections
- Enforcement
- Reclamation

Minerals - New 112c Application Requirements (Rule 6)

13

- Legal Description
- Index Map
- Pre-Mining & Mining Plan Maps
- Mining Plan
- Reclamation Plan
- Reclamation Plan Map
- Water Information
- Wildlife Information
- Soils/Vegetation/Climate
- Reclamation Costs
- Other Permits/Licenses
- Legal Right of Entry
- Owners of Record of Surface and Mineral Rights of Affected Land
- Municipalities within 2 Miles
- Proof of Notice to Board of County Comm. & SCD
- Proof of Filing w/County Clerk & Recorder
- Permanent Man-Made Structures
- Geotechnical Stability (on site-specific basis)

Types of Notifications by Operator

14

Prior to Application Submittal:

- Send Notice to local Board of County Commissioners
- Send Notice to local Soil Conservation District
- Place copy of all permit documents with County Clerk and Recorder
- Post public notices (signs) at proposed mine site

After Application is Filed:

- Send Notice to Owners of Record of surface and mineral rights of the affected land
- Send Notice to Owners of Record of all land surface within 200 feet of affected lands
- Send Notice to any other Owners of Record as designated by the Division
- Publish public notice in newspaper of general circulation in locality of proposed mine site

Minerals - 112c Reclamation Permit Application

15

- Application must meet the requirements of the Act and Rules to be considered filed.
- Applicant must publish newspaper notice 4 times, once a week, for 4 consecutive weeks.
- Division's decision due within 90 days / extend by 60 days if application considered complex per Rule 1.4.1(7).
- If objections are received, the matter will be scheduled before the MLRB before the 120th day /180th day (if complex).
- Required bond/financial warranty is actual current cost of fulfilling requirements of reclamation plan.

Division Notifications

16

After Application is Filed, the Division sends Notice to the following agencies:

- The Colorado State Historical Preservation Office regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures.
- Colorado Division of Water Resources regarding the administration of water rights.
- Colorado Department of Public Health & Environment, Water Quality Control Division regarding the discharge of pollutants into State waters.
- Colorado Department of Public Health & Environment, Air Pollution Control Division, regarding the need for a fugitive dust permit.

Division Notifications

17

After Application is Filed, the Division sends Notice to the following agencies (cont'd):

- U.S. Bureau of Land Management or the U.S. Forest Service for proposed operations on federal lands.
- U.S. Army Corps of Engineers regarding a dredge and fill (404) permit.
- The County Planning Department for the county or counties in which the proposed operation is located. Section 34-32.5-109(3), C.R.S., as amended, requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304, C.R.S.
- Colorado State Land Board
- Local Soil Conservation District

Types of Notifications by Operator

18

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Public Participation

19

- Comments and objections are allowed on all permit applications, amendments, surety releases, etc.
- Division consideration is limited to jurisdictional issues as dictated by the Act and Rules.
- Timeframes for Division consideration of comments and objections are defined by the Act and Rules.

Permit Application/Reclamation Plan Review

20

- Evaluates whether the plan will meet the stated post-mining land use
- Assures the plan has enough detail to calculate an adequate reclamation bond/financial warranty
- Ensures that environmental compliance continues even if the mine is not in operation
- Ensures site is geotechnically stable once reclamation is completed

Bonding/Cost For Reclamation

21

- Based on approved Reclamation Plan.
- What it would cost the State of Colorado to reclaim the site in the event the permittee could not fulfill obligations of the approved permit, and the permit is revoked and the bond forfeited (by the MLRB).
- Indirect Costs (profit, administration fees, project mgmt. fees, insurance) are included in the bond amount.

MLRB Authority – Minerals

22

- Division staff has authority to make decisions on 112c applications, unless the action receives an objection, in which case the MLRB hears and decides the permitting action.
- All other actions or decisions can be appealed to the MLRB.
- All Minerals enforcement actions are brought to the MLRB for consideration and decision by the MLRB.

Informal Public Meeting on Proposed Pueblo County Aggregate Project (DRMS File No. M-2016-009)

September 13th, 2016
Pueblo, CO

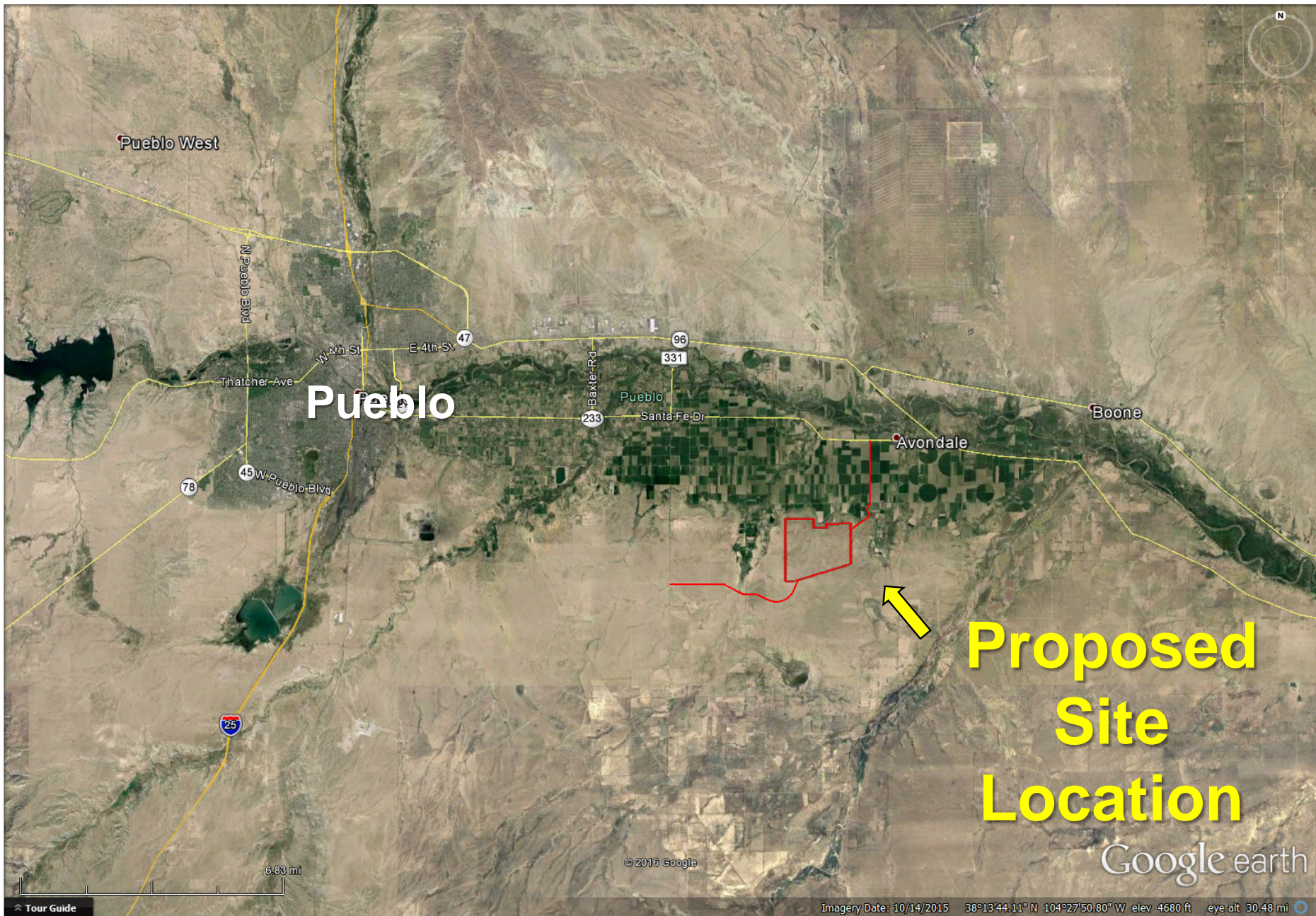
**Presentation By:
Elliott Russell, DRMS**



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources



Bessemer Ditch

**Proposed Permit
Boundary**
(Approximate)

Google earth

© 2016 Google

3191 ft

Tour Guide



1999

38°12'06.49" N 104°23'30.67" W elev 4693 ft eye alt 18506 ft

Pueblo County Aggregate Project

112c Reclamation Permit Application – Important Dates

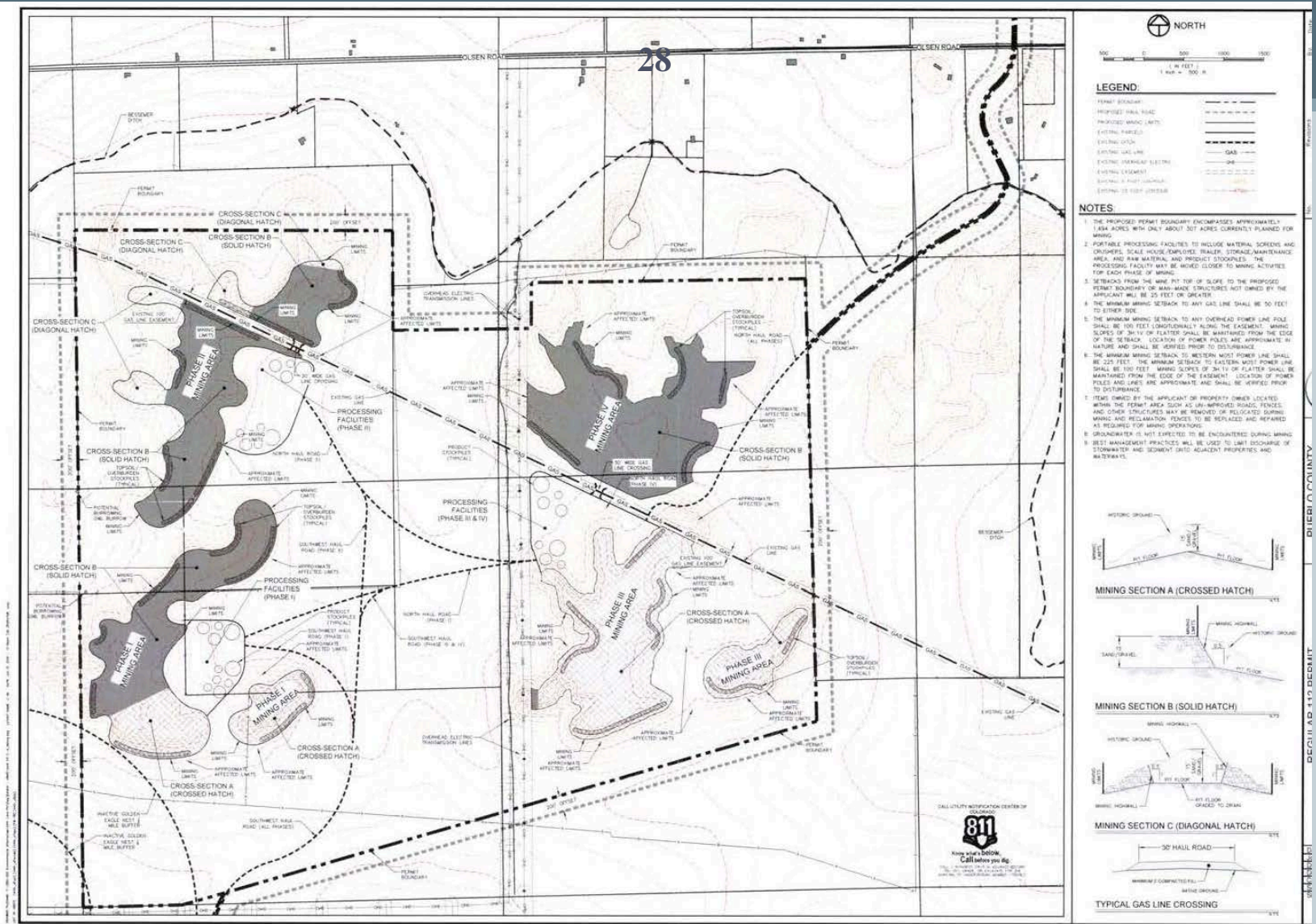
- February 19, 2016 - Application received
- February 26, 2016 - Application filed for review
- April 15, 2016 - Preliminary adequacy review sent
- April 15, 2016 - Close of public comment period
- June 10, 2016 - Amendment application received
- June 14, 2016 – Amendment filed for review
- August 4, 2016 - Close of public comment period
- August 29, 2016 - 2nd adequacy review sent
- **September 13, 2016 - *Informal public meeting***

Pueblo County Aggregate Project

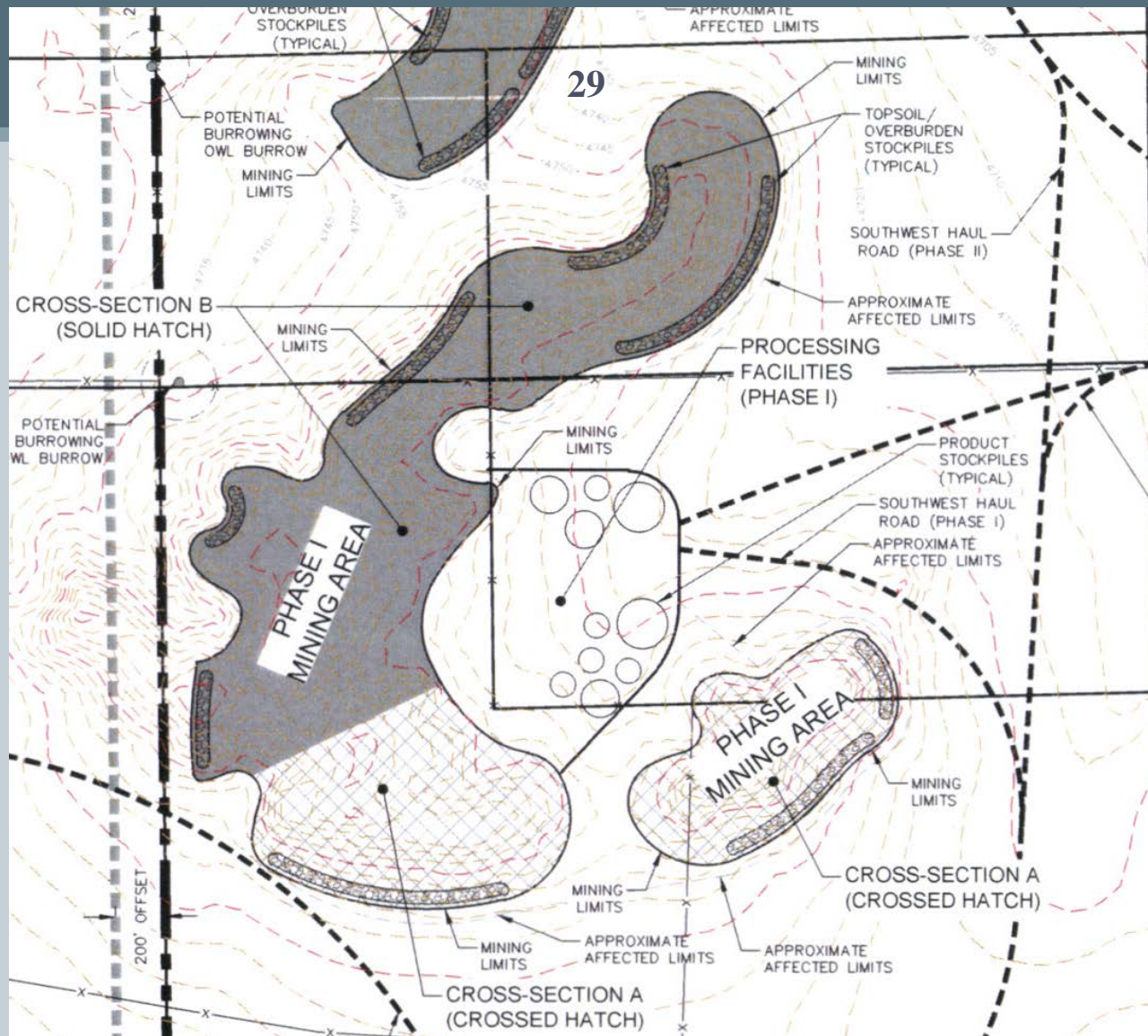
112c Reclamation Permit Application – *General Information*

- Important Acreages: 1,517 acres permitted with 534.6 acres affected
- Primary Commodity: Sand & Gravel
- Anticipated Commodity Use: Construction Material
- Surface Owner of the Mining Area:
 - State of Colorado, Pritekel Brothers Farm LLC, and Danny and Cindy Henrichs
- Type of Mining Proposed: Cascajo Gravel Terrace Excavation
- Method of Mining Proposed:
 - Earthmoving (bulldozers, scrapers, loaders etc.) & portable processing plant (crushers, screens, and conveyors)
- Post-Mining Land Use: Rangeland

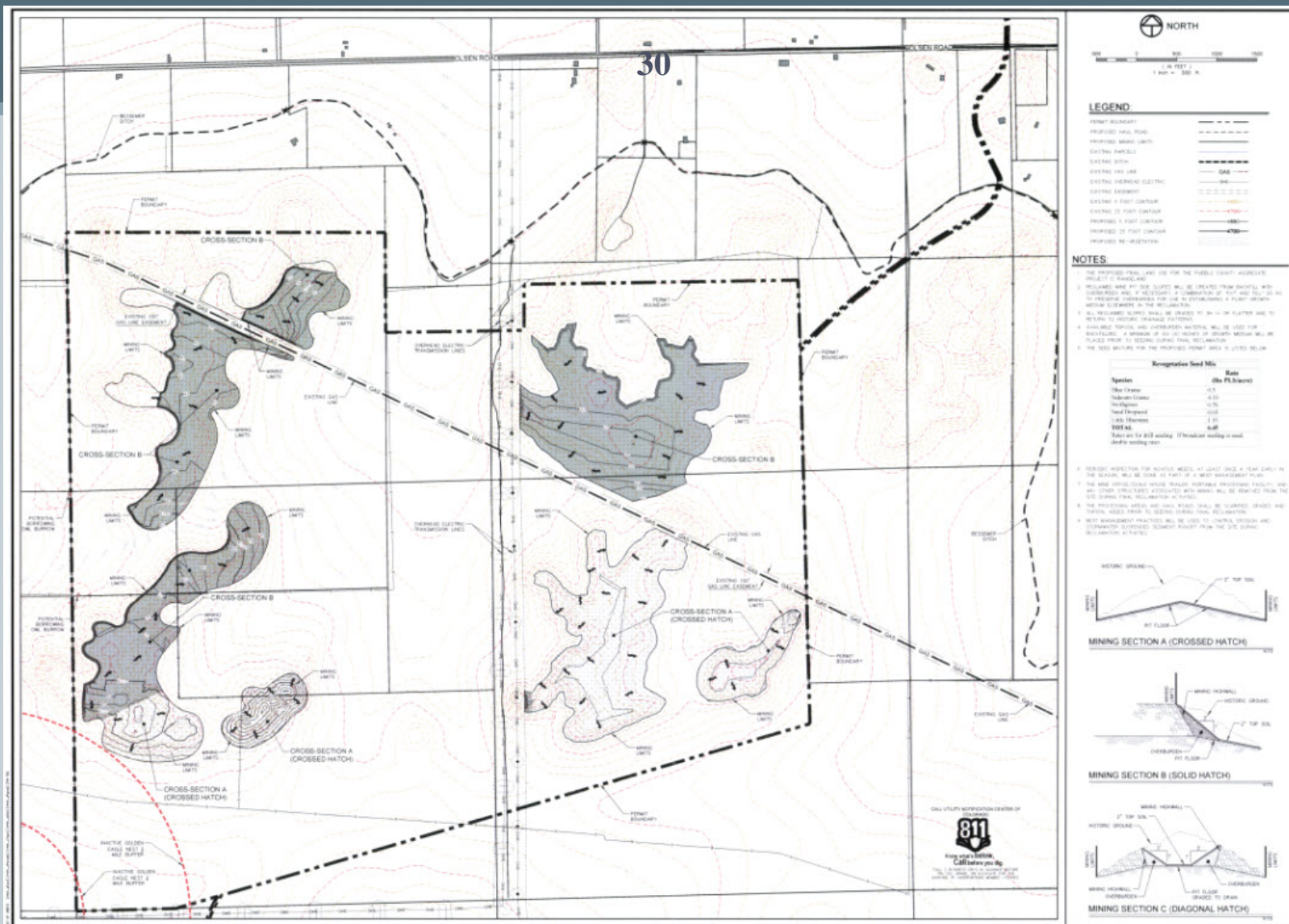
Proposed Mining Plan Map



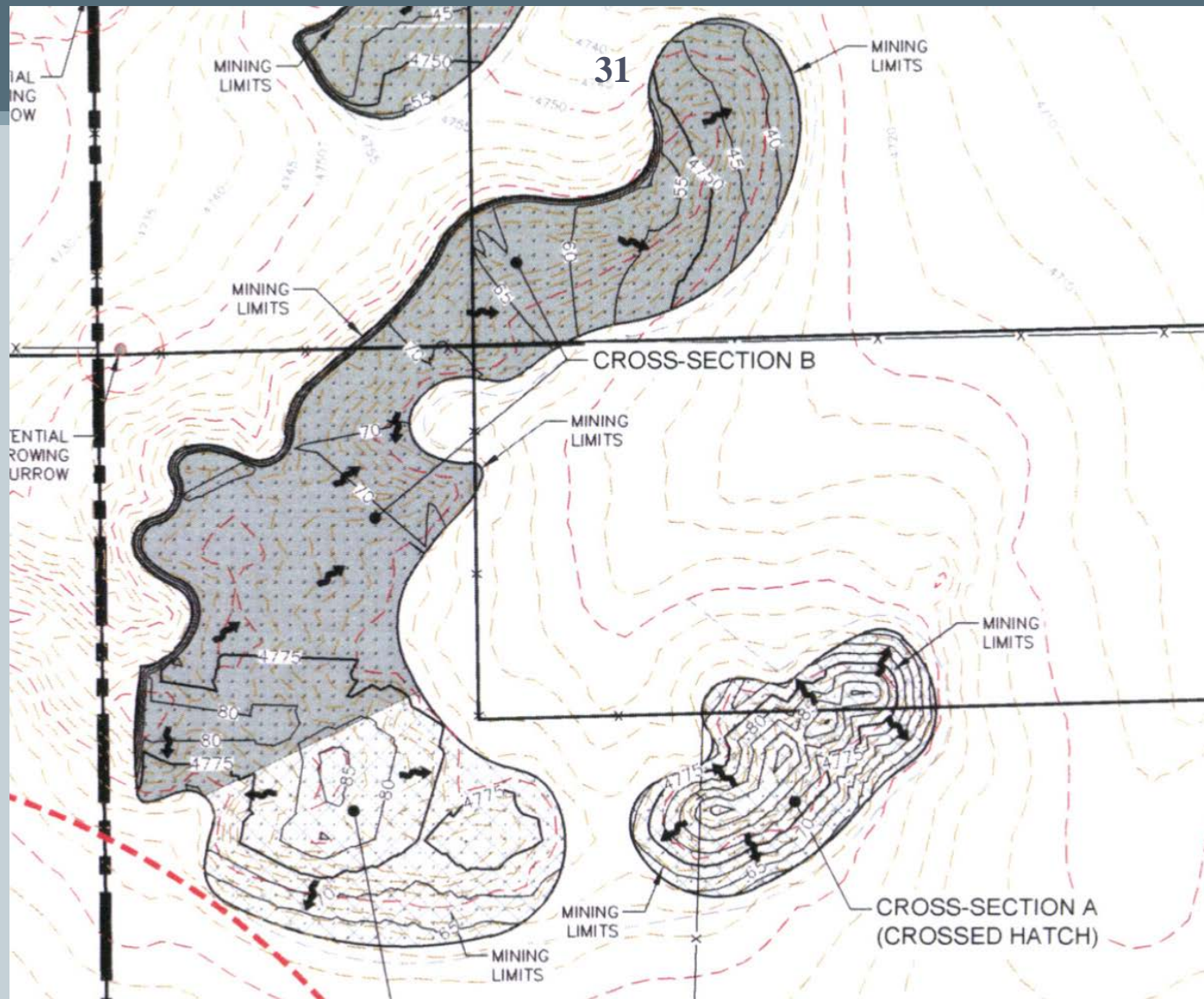
Proposed Mining Plan – Phase I



Proposed Reclamation Plan Map



Proposed Reclamation Plan – Phase I



Pueblo County Aggregate Project

112c Reclamation Permit Application – Objections/Comments

32

- The Division received 25 timely objection letters from approximately 22 objecting parties.
- The Division received comments on the application from 3 agencies, including History Colorado, CPW, and DWR.
- All objection/comment letters have been reviewed by the Division.
- Many of the concerns raised by objecting parties are concerns of the Division which will be addressed through the adequacy review process.
- Adequacy review process is underway – involves an exchange of review letters from Division and response letters from Applicant.
- All permit documents can be viewed at our website:
<http://mining.state.co.us>

DRMS Website:
<http://mining.state.co.us>

To Access Permit Documents :

- 1) Go to DRMS Home Page
- 2) Hover over “Reports & Data”
- 3) Click on “Imaged Document Data”



Department of Natural Resources

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COLORADO
Division of Reclamation Mining & Safety
Department of Natural Resources

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Reports
Mining Data
GIS Data
Imaged Document Data

Welcome to the Colorado Division of Reclamation Mining and Safety

DRMS -- Mission:

To protect the public, miners and the environment during current mining operations, restore abandoned mines, and to ensure that all mined land is reclaimed to beneficial use.

DRMS -- Vision:

The division is committed to balance the need for mineral resource production with protection of the public, environment and Colorado's natural resources.

[ePermitting](#)

Public Meetings

Colorado Mined Land Reclamation Board (CMLRB) is a multi-interest citizen board which establishes the regulations, standards and policies that guide the Division of Reclamation, Mining and Safety.

- Board Meeting Agenda
- Board Meeting Calendar

News & Notices

- Preliminary Map of Legacy Draining Mine Adits
- Draining Mines GIS Data
- Hitch Rack Ranch Quarry - Notice of Informal Public Meeting

About DRMS

- Learn More About DRMS
- Frequently Asked Questions
- DRMS History
- Staff Directory
- Organization Chart

DRMS Website:


<http://mining.state.co.us>

To Access Permit Documents (cont'd):

4) Click on “Click here to access Imaged Document Data”

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Division of Reclamation Mining & Safety

Department of Natural Resources

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Reports & Data

Reports

- Coal Production
- AML Program
- Activity/Agenda
- General

Mining Data

- Search by County
- Search By Operator
- Search By Permit
- Search By Mine
- Imaged Document Data

GIS Data

Imaged Document Data

Imaged Document Data

[Click here to access Imaged Document Data](#)

Documents available on-line include non-confidential documents for:

Coal, Minerals, Prospecting Permits as well as Historical Mining Books.

Laserfiche WebLink

Search

Field

Permit No.

Bill Index Class Name

Doc Date

Doc Name

From

To

Document Type

Section / Exhibition Name

Inspection Date

Type & Sequence

Bond No.

Violation No.

click to search

Search Reset

How to use the DRMS document management system

Enter the Permit number in the Permit No box to search for related documents. Any field or combination of fields can be used to search. Wild card * and ? can be used.

For Example:

Enter M2010* in the *Permit No* box to return all Mineral Permits from the year 2010.

OR

Enter P2008042 (no dashes) in the *Permit No* box to return all documents for the specified permit

Click Search to return documents

For additional information see our [Document Management User Guide \(PDF\)](#)

DRMS Website:

<http://mining.state.co.us>

To Access Permit Documents (cont'd):

- 5) Type the File Number (no dashes or spaces) into “Permit No.” Field (Ex: M2016009)
- 5) Hit Enter OR Click on “Search” Button at Bottom Left

The screenshot displays the Laserfiche WebLink search interface. At the top, the Laserfiche WebLink logo is on the left, and a search bar with a 'Search' button is on the right. Below the logo, the word 'Home' is visible. The main search area is titled 'Customize Search' and contains a list of search criteria fields. The 'Permit No.' field is highlighted with a blue border and contains the text 'M2016009'. Other fields include 'Template' (set to 'DRMS Permit Index'), 'IBM Index Class Name', 'Doc Date', 'Doc Name', 'Annual Report Year', 'Report Quarter_Month', 'From', 'To', 'Permit Index Doc Type', 'Section_Exhibit Name', 'Inspection Date', 'Type & Sequence', 'Violation No.', 'Email Name', 'Permit Order', 'Media Type', and 'Archive'. Each field has a corresponding input box or dropdown menu. Some fields have a calendar icon next to them, indicating date selection functionality.

DRMS Website:

<http://mining.state.co.us>

You'll get a screen like this listing all permit documents on file for the Permit Number you entered.

Helpful Hint:

You can click on "Doc Date" column header to sort documents by date.

36

The screenshot shows the Laserfiche WebLink interface. On the left is a search sidebar with fields for Template (DRMS Permit Index), Permit No (M2016009), IBM Index Class Name, Doc Date, Doc Name, Annual Report Year, Report Quarter_Month, From, To, Permit Index Doc Type, Section_Exhibit Name, Inspection Date, Type & Sequence, Violation No., Email Name, Permit Order, Media Type, and Archive. The main area displays a table of search results with columns: Name, Hits, Page Count, Permit No, IBM Index Class Name, Doc Date, and Doc. The table lists 16 entries, each representing a permit file. The first entry is '2016-02-19_PERMIT FILE - M2016009' with 0 hits and 196 pages. The last entry is '2016-05-04_PERMIT FILE - M2016009' with 0 hits and 1 page. Below the table, there are pagination controls showing '1 2 3 4 >' and '63 Entries Results'.

Name	Hits	Page Count	Permit No	IBM Index Class Name	Doc Date	Doc
2016-02-19_PERMIT FILE - M2016009	0	196	M2016009	Permit File	2/19/2016 12:00:00 AM	Ap
2016-02-26_PERMIT FILE - M2016009	0	21	M2016009	Permit File	2/26/2016 12:00:00 AM	No
2016-02-26_PERMIT FILE - M2016009 (3)	0	1	M2016009	PERMIT FILE	2/26/2016 12:00:00 AM	No
2016-03-29_PERMIT FILE - M2016009	0	2	M2016009	Permit File	3/29/2016 12:00:00 AM	Ob
2016-03-31_PERMIT FILE - M2016009	0	1	M2016009	PERMIT FILE	3/31/2016 12:00:00 AM	Co
2016-04-01_PERMIT FILE - M2016009	0	2	M2016009	Permit File	4/1/2016 12:00:00 AM	Ob
2016-04-06_PERMIT FILE - M2016009	0	2	M2016009	Permit File	4/6/2016 12:00:00 AM	Co
2016-04-13_PERMIT FILE - M2016009	0	2	M2016009	PERMIT FILE	4/13/2016 12:00:00 AM	Ob
2016-04-14_PERMIT FILE - M2016009	0	2	M2016009	PERMIT FILE	4/14/2016 12:00:00 AM	Ob
2016-04-14_PERMIT FILE - M2016009 (3)	0	2	M2016009	PERMIT FILE	4/14/2016 12:00:00 AM	Ob
2016-04-14_PERMIT FILE - M2016009 (4)	0	13	M2016009	Permit File	4/14/2016 12:00:00 AM	Ob
2016-04-15_PERMIT FILE - M2016009	0	2	M2016009	PERMIT FILE	4/15/2016 12:00:00 AM	Ob
2016-04-15_PERMIT FILE - M2016009 (3)	0	13	M2016009	Permit File	4/15/2016 12:00:00 AM	Pr
2016-04-15_PERMIT FILE - M2016009 (4)	0	2	M2016009	PERMIT FILE	4/15/2016 12:00:00 AM	Ob
2016-04-15_PERMIT FILE - M2016009 (5)	0	1	M2016009	Permit File	4/15/2016 12:00:00 AM	Ob
2016-04-15_PERMIT FILE - M2016009 (6)	0	1	M2016009	Permit File	4/15/2016 12:00:00 AM	Ob
2016-04-20_PERMIT FILE - M2016009	0	8	M2016009	Permit File	4/20/2016 12:00:00 AM	Ob
2016-04-22_PERMIT FILE - M2016009	0	17	M2016009	Permit File	4/22/2016 12:00:00 AM	Ob
2016-04-25_PERMIT FILE - M2016009	0	16	M2016009	Permit File	4/25/2016 12:00:00 AM	No
2016-05-04_PERMIT FILE - M2016009	0	1	M2016009	Permit File	5/4/2016 12:00:00 AM	Ext

1 2 3 4 >
63 Entries Results

DRMS Website:
<http://mining.state.co.us>

To print a Document (as PDF):

- 1) Click on “PDF”
button at top of page

Laserfiche WebLink™

Home 2016-06-10_PERMIT FILE - M2016009 (3)

Metadata | Thumbnails | Annotations

2016-06-10_PERMIT FILE - M2016009 (3)

Last Modified: 8/24/2016 6:23:23 PM
Creation Date: 6/13/2016 8:51:53 AM

Fields

Template: DRMS Permit Index

Permit No: M2016009
IBM Index Class Name: Permit File
Doc Date: 6/10/2016
Doc Name: Amendment to Application
From: EAI
To: DRMS
Email Name: TOD
Media Type: D
Archive: No

1 / 122 Go PDF

TOD

EAI

Environmental Alternatives, Inc.

EXPERIENCE • ACCREDITATION • INTEGRITY

June 9, 2016

Tyler O'Donnell
Colorado Division of Reclamation
1313 Sherman Street, Room 200
Denver, CO 80203

RE: 44th Lane Project File No. 1
Response to Preliminary

DRMS Website:
<http://mining.state.co.us>

38

To print a Document (as PDF):

2) On the pop-up window, click
“Download & Print”

The screenshot displays the Laserfiche WebLink interface. The top navigation bar includes 'Home' and the document title '2016-06-10_PERMIT FILE - M2016009 (3)'. The left sidebar contains a 'Metadata' tab with fields for '2016-06-10_PERMIT FILE - M2016009 (3)', 'Last Modified: 8/24/2016 6:23:23 PM', and 'Creation Date: 6/13/2016 8:51:53 AM'. Below this is a 'Fields' section with a 'Template: DRMS Permit Index' and various fields like 'Permit No.', 'IBM Index Class Name', 'Doc Date', 'Doc Name', 'Amendment to Application', 'From', 'To', 'Email Name', 'Media Type', and 'Archive'. The main content area shows a document preview with a large 'EAI' logo and the text 'Environmental Alternatives, Inc.' and 'EXPERIENCE • ACCREDITATION • INTEGRITY'. Below the logo, the date 'June 9, 2016' is displayed, followed by the name 'Tyler O'Donnell' and the address 'Colorado Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203'. The document content includes 'RE: 44th Lane Project File No. M-2016-009' and 'Response to Preliminary Adequacy Review'. A 'Print' dialog box is open on the right, showing 'Pages to Print: 1 - 122' and a 'Download & Print' button.

Laserfiche WebLink

Home 2016-06-10_PERMIT FILE - M2016009 (3)

Metadata | Thumbnails | Annotations

2016-06-10_PERMIT FILE - M2016009 (3)

Last Modified: 8/24/2016 6:23:23 PM
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Fields

Template: DRMS Permit Index

Permit No.
M2016009

IBM Index Class Name

Permit File

Doc Date
6/10/2016

Doc Name

Amendment to Application

From
EAI

To
DRMS

Email Name
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1 122 Go

TOO

EAI

Environmental Alternatives, Inc.

EXPERIENCE • ACCREDITATION • INTEGRITY

June 9, 2016

Tyler O'Donnell

Colorado Division of Reclamation, Mining and Safety

1313 Sherman Street, Room 215

Denver, CO 80203

RE: 44th Lane Project File No. M-2016-009 ✓

Response to Preliminary Adequacy Review ✓ / Amc

Dear Mr. O'Donnell,

Print

Pages to Print: 1 - 122

Enter page numbers and/or page ranges separated by commas.
For example, 1,3,5-12.

After downloading, print the document using a PDF reader (e.g. Adobe Acrobat).

Download & Print Cancel

38

Contact Information

39

- **Elliott Russell**
 - Environmental Protection Specialist
 - 303-866-3567 x8132
 - Elliott.Russell@state.co.us

Informal Public Meeting on Proposed Pueblo County Aggregate Project (DRMS File No. M-2016-009)

September 13th, 2016
Pueblo, CO

Presentation By:
Jeff Fugate and Scott Schultz,
Colorado Office of the Attorney General



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

Party Status

41

- Any person may become involved in the Permit application process as either a Party or a Non-Party.
- Distinct legal classifications and different legal rights and responsibilities.
- All persons are afforded an opportunity to be heard at the Formal Public Hearing before the Mined Land Reclamation Board
- Party Status affords additional rights while also having the obligation to comply with additional administrative procedures.

Party Status—Rights and Responsibilities

42

- **Acquiring Party Status**—To participate as a Party a person must 1) fall within the regulatory definition of a Party **and** 2) file a timely objection or comment to the permit application.
- “*Party*” is defined as: “a person who demonstrates that he/she/it is directly and adversely affected or aggrieved by the conduct of a...proposed mining operation...and whose interest is entitled to legal protection under the Act.” **Rule 1.1(34.1)**
- Must have submitted a timely letter of objection or comment in writing to the Division by the regulatory deadline. **Rule 1.7.1**

Party Status—Rights and Responsibilities

43

Rule 2.7.3

A Party may:

- Present evidence and call witnesses at the Formal Board Hearing.
- Cross-examine and provide rebuttal testimony to other parties' witnesses.
- File a motion for reconsideration, or the right to appeal the Mined Land Reclamation Board's decision in District Court.
- A Party must participate in the Pre-Hearing Conference and follow applicable procedural Rules.

Non-Party Status

44

- **Non-Party Status**—anyone who does not meet the regulatory definition of a party, chooses to be a Non-Party, did not file a timely comment or objection to the permit, or fails to fulfill Party requirements.
- Subject to Board approval, Non-Parties may address the Board on matters of concern during the Initial Presentation portion of the Formal Board Hearing—Board historically provides 2 minutes to speak.

Pre-Hearing Conference

45

Rule 2.7

- There will be a Pre-Hearing Conference (PHC) in this matter—Notice will be provided to all interested persons.
- The purpose of the PHC is: describe the Division's review process, discuss and resolve contested issues (if possible), describe the Board Hearing processes, propose a list of issues under the Board's jurisdiction, and identify parties.

Pre-Hearing Order

46

Rule 2.7.1(3) and (4) and Rule 2.7.2

The proposed Pre-hearing Order shall include:

- list of the Parties;
- a recommended list of issues to be considered by the Board at the Formal Board Hearing;
- a recommended schedule for the hearing with time allotments set for presentation by each party and the Division.

Pre-Hearing Conference

47

- Parties must be present at the PHC—non-attending parties forfeit his/her Party Status and all associated rights and privileges.
- Parties may be represented by an attorney or designate a proxy as a representative to appear on their behalf at the PHC.
- Must present a list of witnesses and exhibits at the PHC. Rule 2.6(2)
- Those with Party Status who wish to withdraw as a Party must do so in writing prior to the Formal Board Hearing, or in person at the Hearing.

Pre-Hearing Procedures

48

Rule 2.6

- Motions must be made in writing and filed by Parties with the Board no later than 2 working days following the Pre-hearing Conference.
- The Board must receive written responses to all motions at least 3 working days prior to the Formal Board Hearing.

Formal Hearing Process

49

Rule 2.8

- Rules of evidence and requirements of proof shall conform, to the extent practicable, with those in civil non-injury cases in district courts.
- However, when necessary to do so in order to ascertain facts affecting the substantial rights of the parties to the proceeding, the Board may receive and consider evidence not admissible under such rules, if such evidence possesses sufficient probative value.

Formal Hearing Process

50

- The Board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.
- Any party who does not attend the Board Hearing forfeits its party status and all associated rights and privileges—cannot appear at the formal hearing by proxy.
- The Board will deliberate and issue its decision. A written Order will be provided to all parties.



Questions?

MEETING SIGN-IN SHEET

Subject: Pueblo County Aggregate Project (M-2016-009)
Informal Public Meeting

Meeting Date: September 13, 2016

Facilitator: Colorado Division of Reclamation, Mining and Safety

Location: Patrick A. Lucero Library Pueblo,
CO

No.	Name		
1	Tom Rusler		
2	Nick Rusler		
3	Kelly Bond		
4	Jose' Muñoz		
5	Joe Disciotte		
6	Gail Schreiber		
7	Tommy Rusler		
8	Dan Hobbs		
9	Heidi KERN		
10	Velma Rink		
11	Douglas R. Davis		
12	JAMES O'HARA		
13	Zach Swearingen		
14			
15			
16			
17			
18			
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